

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONY PANTALEON,  
  
Petitioner,  
  
v.  
  
TRISTAN LEMON,  
  
Respondent.

No. 2:24-cv-01649-DC-SCR (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(ECF Nos. 11, 19)

Petitioner, a state prisoner proceeding *pro se*, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 13, 2025, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 19.) To date, neither party has filed objections to the pending findings and recommendations.<sup>1</sup>

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602

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<sup>1</sup> On August 4, 2025, a “notice of no objections” was filed on behalf of Petitioner indicating that Petitioner “agree[s] [with] the findings and recommendations by the magistrate.” (ECF No. 20.) The “notice of no objections” appears to have been written and filed by a non-party, but purports to include Petitioner’s signature. (*Id.*) Because the court is unable to discern whether Petitioner submitted the “notice of no objections,” the court does not consider the “notice of no objections” in adopting the pending findings and recommendations.

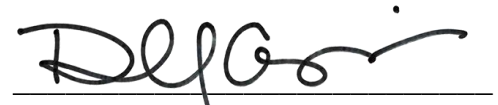
1 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.  
2 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The court has  
3 reviewed the file and finds the findings and recommendations to be supported by the record and  
4 by the magistrate judge's analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations (ECF No. 19) are ADOPTED in full;
- 7 2. Respondent's partial motion to dismiss (ECF No. 11) is GRANTED;
- 8 3. Claims two through seven of Petitioner's application for a writ of habeas corpus are  
9 dismissed without prejudice as unexhausted and stricken from the petition;
- 10 4. Respondent is ordered to file an answer to claim one of Petitioner's application for  
11 writ of habeas corpus within 60 days from the date of this order. An answer shall be accompanied  
12 by all transcripts and other documents relevant to the issues presented in the petition. *See* Rule 5  
13 of the Rules Governing Section 2254 Cases in the United States District Courts;
- 14 5. Petitioner's reply, if any, shall be filed and served within thirty days after service of the  
15 answer; and
- 16 6. This matter is referred to the assigned magistrate judge for further proceedings.

17  
18 IT IS SO ORDERED.

19 Dated: August 18, 2025

  
Dena Coggins  
United States District Judge